

1 Joseph K. Bravo, Esq. (SBN:107646)
2 **BRAVO & MARGULIES**
3 901 Market Street, Suite 450
4 San Francisco, CA 94103
5 Telephone: (415) 512-6700
6 Facsimile: (415) 512-6716

7 Attorneys for Defendants
8 MILANO PIZZA,
9 JOHN VOZAITIS and DENISE VOZAITIS
10 TRUSTEES OF THE JOHN and DENISE VOZAITIS
11 REVOCABLE LIVING TRUST dated DECEMBER
12 20, 2007; and DENNIS VOZAITIS, an individual dba
13 MILANO PIZZA

14 UNITED STATES DISTRICT COURT
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16 NORTHERN DISTRICT OF CALIFORNIA
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18 OAKLAND DIVISION
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22
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24 LES JANKEY, an individual

25 Plaintiff,

26 vs.

27 MILANO PIZZA; JOHN VOZAITIS and
28 DENISE VOZAITIS, TRUSTEES OF THE
JOHN and DENISE VOZAITIS REVOCABLE
LIVING TRUST dated DECEMBER 20, 2007;
and DENNIS VOZAITIS, an individual dba
MILANO PIZZA,

Defendants.

Case No. **CV 09 – 2438 EMC CW**

**ANSWER TO COMPLAINT FOR
INJUNCTIVE RELIEF AND DAMAGES**

DEMAND FOR TRIAL BY JURY

COMES NOW MILANO PIZZA; JOHN VOZAITIS and DENISE VOZAITIS,
TRUSTEES OF THE JOHN and DENISE VOZAITIS REVOCABLE LIVING TRUST dated
DECEMBER 20, 2007; and DENNIS VOZAITIS, an individual dba MILANO PIZZA,
defendants (“Defendants”) file and serve their answer to the complaint for monetary, declarator

1 and injunctive relief ("Complaint"), demand a trial by jury, and responds as follows to the
2 allegations of the Complaint:

3 1. Answering Paragraph 1 of the Complaint, defendants are without sufficient
4 knowledge or information to form a belief as to the truth of the allegations contained in said
5 paragraph, and on that basis DENY each and every allegation contained therein.

6 2. Answering Paragraph 2 of the Complaint, defendants are without sufficient
7 knowledge or information to form a belief as to the truth of the allegations contained in said
8 paragraph, and on that basis DENY each and every allegation contained therein.

9 3. Answering Paragraph 3 of the Complaint, defendants are without sufficient
10 knowledge or information to form a belief as to the truth of the allegations contained in said
11 paragraph, and on that basis DENY each and every allegation contained therein.

12 4. Answering Paragraph 4 of the Complaint, defendants are without sufficient
13 knowledge or information to form a belief as to the truth of the allegations contained in said
14 paragraph, and on that basis DENY each and every allegation contained therein.

15 5. Answering Paragraph 5 of the Complaint, defendants are without sufficient
16 knowledge or information to form a belief as to the truth of the allegations contained in said
17 paragraph, and on that basis DENY each and every allegation contained therein.

18 6. Answering paragraph 6 of the Complaint, Defendants ADMIT the allegations of
19 paragraph 6 of the Complaint.

20 7. Answering Paragraph 7 of the Complaint, defendants are without sufficient
21 knowledge or information to form a belief as to the truth of the allegations contained in said
22 paragraph, and on that basis DENY each and every allegation contained therein.

23 8. Answering Paragraph 8 of the Complaint, defendants are without sufficient
24 knowledge or information to form a belief as to the truth of the allegations contained in said
25 paragraph, and on that basis DENY each and every allegation contained therein.

26 9. Answering Paragraph 9 of the Complaint, defendants are without sufficient
27 knowledge or information to form a belief as to the truth of the allegations contained in said
28 paragraph, and on that basis DENY each and every allegation contained therein.

1 10. Answering Paragraph 10 of the Complaint, defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis DENY each and every allegation contained therein.

4 11. Answering Paragraph 11 of the Complaint, defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in said
6 paragraph, and on that basis DENY each and every allegation contained therein.

7 12. Answering Paragraph 12 of the Complaint, defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis DENY each and every allegation contained therein.

10 13. Answering Paragraph 13 of the Complaint, defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in said
12 paragraph, and on that basis DENY each and every allegation contained therein.

13 14. Answering Paragraph 14 of the Complaint, defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis DENY each and every allegation contained therein.

16 15. Answering Paragraph 15 of the Complaint, defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained in said
18 paragraph, and on that basis DENY each and every allegation contained therein.

19 16. Answering Paragraph 16 of the Complaint, defendant is without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in said
21 paragraph, and on that basis DENIES each and every allegation contained therein.

22 17. Answering Paragraph 17 of the Complaint, defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained in said
24 paragraph, and on that basis DENY each and every allegation contained therein.

25 18. Answering Paragraph 18 of the Complaint, defendants are without sufficient
26 knowledge or information to form a belief as to the truth of the allegations contained in said
27 paragraph, and on that basis DENY each and every allegation contained therein.
28

1 19. Answering Paragraph 19 of the Complaint, defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis DENY each and every allegation contained therein.

4 20. Answering Paragraph 20 of the Complaint, defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in said
6 paragraph, and on that basis DENY each and every allegation contained therein.

7 21. Answering Paragraph 21 of the Complaint, defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis DENY each and every allegation contained therein.

10 22. Answering Paragraph 22 of the Complaint, defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in said
12 paragraph, and on that basis DENY each and every allegation contained therein.

13 23. Answering Paragraph 23 of the Complaint, defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis DENY each and every allegation contained therein.

16 24. Answering Paragraph 24 of the Complaint, defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained in said
18 paragraph, and on that basis DENY each and every allegation contained therein.

19 25. Answering Paragraph 25 of the Complaint, defendants are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in said
21 paragraph, and on that basis DENY each and every allegation contained therein.

22 26. Answering Paragraph 26 of the Complaint, defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained in said
24 paragraph, and on that basis DENY each and every allegation contained therein.

25 27. Answering Paragraph 27 of the Complaint, defendants are without sufficient
26 knowledge or information to form a belief as to the truth of the allegations contained in said
27 paragraph, and on that basis DENY each and every allegation contained therein.

1 28. Answering Paragraph 28 of the Complaint, defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis DENY each and every allegation contained therein.

4 29. Answering Paragraph 29 of the Complaint, defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in said
6 paragraph, and on that basis DENY each and every allegation contained therein.

7 30. Answering Paragraph 30 of the Complaint, defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis DENY each and every allegation contained therein.

10 31. Answering Paragraph 31 of the Complaint, defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in said
12 paragraph, and on that basis DENY each and every allegation contained therein.

13 32. Answering Paragraph 32 of the Complaint, defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis DENY each and every allegation contained therein.

16 33. Answering Paragraph 33 of the Complaint, defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained in said
18 paragraph, and on that basis DENY each and every allegation contained therein.

19 34. Answering Paragraph 34 of the Complaint, defendants are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in said
21 paragraph, and on that basis DENY each and every allegation contained therein.

22 35. Answering Paragraph 35 of the Complaint, defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained in said
24 paragraph, and on that basis DENY each and every allegation contained therein.

25 36. Answering Paragraph 36 of the Complaint, defendants are without sufficient
26 knowledge or information to form a belief as to the truth of the allegations contained in said
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28

1 37. Answering Paragraph 37 of the Complaint, defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis DENY each and every allegation contained therein.

4 38. Answering Paragraph 38 of the Complaint, defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in said
6 paragraph, and on that basis DENY each and every allegation contained therein.

7 39. Answering Paragraph 39 of the Complaint, defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis DENY each and every allegation contained therein.

10 40. Answering Paragraph 40 of the Complaint, defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in said
12 paragraph, and on that basis DENY each and every allegation contained therein.

13 41. Answering Paragraph 41 of the Complaint, defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis DENY each and every allegation contained therein.

16 42. Answering Paragraph 42 of the Complaint, defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained in said
18 paragraph, and on that basis DENY each and every allegation contained therein.

19 43. Answering Paragraph 43 of the Complaint, defendants are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in said
21 paragraph, and on that basis DENY each and every allegation contained therein.

22 44. Answering Paragraph 44 of the Complaint, defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained in said
24 paragraph, and on that basis DENY each and every allegation contained therein.

25 45. Answering Paragraph 45 of the Complaint, defendants are without sufficient
26 knowledge or information to form a belief as to the truth of the allegations contained in said
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28

1 46. Answering Paragraph 46 of the Complaint, defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis DENY each and every allegation contained therein.

4 47. Answering Paragraph 47 of the Complaint, defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in said
6 paragraph, and on that basis DENY each and every allegation contained therein.

7 48. Answering Paragraph 48 of the Complaint, defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis DENY each and every allegation contained therein.

10 49. Answering Paragraph 49 of the Complaint, defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in said
12 paragraph, and on that basis DENY each and every allegation contained therein.

13 50. Answering Paragraph 50 of the Complaint, defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis DENY each and every allegation contained therein.

16 51. Answering Paragraph 51 of the Complaint, defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained in said
18 paragraph, and on that basis DENY each and every allegation contained therein.

19 52. Answering Paragraph 52 of the Complaint, defendants are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in said
21 paragraph, and on that basis DENY each and every allegation contained therein.

22 53. Answering Paragraph 53 of the Complaint, defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained in said
24 paragraph, and on that basis DENY each and every allegation contained therein.

25 54. Answering Paragraph 54 of the Complaint, defendants are without sufficient
26 knowledge or information to form a belief as to the truth of the allegations contained in said
27 paragraph, and on that basis DENY each and every allegation contained therein.
28

1 55. Answering Paragraph 55 of the Complaint, defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis DENY each and every allegation contained therein.

4 56. Answering Paragraph 56 of the Complaint, defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in said
6 paragraph, and on that basis DENY each and every allegation contained therein.

7 57. Answering Paragraph 57 of the Complaint, defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis DENY each and every allegation contained therein.

10 58. Answering Paragraph 58 of the Complaint, defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in said
12 paragraph, and on that basis DENY each and every allegation contained therein.

13 59. Answering Paragraph 59 of the Complaint, defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis DENIES each and every allegation contained therein.

16 60. Answering Paragraph 60 of the Complaint, defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained in said
18 paragraph, and on that basis DENY each and every allegation contained therein.

19 61. Answering Paragraph 61 of the Complaint, defendants are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in said
21 paragraph, and on that basis DENY each and every allegation contained therein.

22 62. Answering Paragraph 62 of the Complaint, defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained in said
24 paragraph, and on that basis DENY each and every allegation contained therein.

25 63. Answering Paragraph 63 of the Complaint, defendants are without sufficient
26 knowledge or information to form a belief as to the truth of the allegations contained in said
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28

1 64. Answering Paragraph 64 of the Complaint, defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis DENY each and every allegation contained therein.

4 65. Answering Paragraph 65 of the Complaint, defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in said
6 paragraph, and on that basis DENY each and every allegation contained therein.

7 66. Answering Paragraph 66 of the Complaint, defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis DENY each and every allegation contained therein.

10 67. Answering Paragraph 67 of the Complaint, defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in said
12 paragraph, and on that basis DENY each and every allegation contained therein.

13 68. Answering Paragraph 68 of the Complaint, defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis DENY each and every allegation contained therein.

16 69. Answering Paragraph 69 of the Complaint, defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained in said
18 paragraph, and on that basis DENY each and every allegation contained therein.

19 70. Responding to the Prayer of the Complaint, each and every request for relief is
20 DENIED as Plaintiffs are not entitled to any of the relief requested.

21
22 Defendants assert and allege the following separate defenses:

23 **SEPARATE DEFENSES**

24 **FIRST DEFENSE**

25 **AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs' claims are barred
26 under the doctrine of laches.

27 **SECOND DEFENSE**

AS A SEPARATE DEFENSE, Defendants allege that prior to the commencement of the within action, these answering Defendants duly performed, satisfied, and discharged all duties and obligations Defendants may have owed to Plaintiffs arising out of any and all matters that are the subject of the within Complaint, and therefore, the within Complaint are barred.

AS A SEPARATE DEFENSE, Defendants allege that Plaintiffs' claims are barred by the doctrine of unclean hands.

AS A SEPARATE DEFENSE, Defendants allege that Plaintiffs' claims are barred by Plaintiffs' voluntary participation in all or some of the acts alleged.

AS A SEPARATE DEFENSE, Defendants allege that the Plaintiffs have failed to mitigate Plaintiffs' damages, if any, as required by law, and accordingly, Plaintiffs are precluded from recovery of any damages sought in the Complaint, which could have been reasonably avoided.

AS A SEPARATE DEFENSE, Defendants allege that Plaintiffs were themselves guilty of misconduct which would preclude a right of recovery herein.

AS A SEPARATE DEFENSE, Defendants allege that Plaintiffs' claims, as alleged in the Complaint, are barred under the doctrine of estoppel.

ANSWER Page 10 of 15

1 **AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs, by reason of their
2 knowledge, statements, and conduct have waived any right which they may have, if any, for any
3 act or omission of these answering Defendants as alleged in the Complaint.
4

5 **TENTH DEFENSE**

6 **AS A SEPARATE DEFENSE**, Defendants allege that there was an intervening and/or
7 superseding cause of any injury suffered by Plaintiffs or any damages suffered by Plaintiffs, if
8 any, and Plaintiffs' claims are barred, in whole or in part, as a result thereof.

9 **ELEVENTH DEFENSE**

10 **AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs were negligent in an
11 about the matters alleged in the Complaint, and that said negligence of Plaintiffs was the sole
12 and/or partial proximate cause of its damages herein, if any, and that Plaintiffs' claims are
13 barred, in whole or in part, as a result thereof.

14 **TWELFTH DEFENSE**

15 **AS A SEPARATE DEFENSE**, Defendants allege that at all times mentioned in the
16 Complaint, the Plaintiffs, knowing the probable consequence thereof, freely and voluntarily
17 participated in all the activities alleged therein, and thereby assumed all risks attendant thereto
18 and that Plaintiffs' claims are barred, in whole or in part, as a result thereof.

19 **THIRTEENTH DEFENSE**

20 **AS A SEPARATE DEFENSE**, Defendants allege that by reason of the non-performance
21 of Plaintiffs, and as a result thereof, Plaintiffs have waived and are precluded and/or estopped
22 from asserting any rights under any agreement or understanding, if any, between the parties.

23 **FOURTEENTH DEFENSE**

24 **AS A SEPARATE DEFENSE**, Defendants allege that, without conceding that any act of
25 Defendants caused damage to the Plaintiffs in any respect, Defendants are entitled to set-off and
26 recoupment against any judgment that may be entered for Plaintiffs. Set-off and recoupment are
27 appropriate by reason of Plaintiffs' breach of contract and other wrongful conduct.

28 **FIFTEENTH DEFENSE**

1 **AS A SEPARATE DEFENSE**, Defendants allege that any obligation or liability of
2 Defendants which may have existed has been discharged by operation of law.
3
4

5 **SIXTEENTH DEFENSE**

6 **AS A SEPARATE DEFENSE**, Defendants allege that there was a unilateral mistake of
7 fact made by Defendants and known by Plaintiffs so that mutual consent did not exist in order to
8 form any obligation between the parties such that no contract or obligation existed or exists
9 between the parties in that Plaintiffs knew that Defendants understood that Defendants would not
10 be obligated to provide housing for Plaintiffs.

11 **SEVENTEENTH DEFENSE**

12 **AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs impliedly or expressly
13 repudiated the agreement and therefore breached the contract by anticipatory repudiation or
14 repudiation.

15 **EIGHTEENTH DEFENSE**

16 **AS A SEPARATE DEFENSE**, Defendants allege that there was a novation of any
17 agreement or obligation between the parties such that Plaintiffs should be denied any recovery in
18 this action.

19 **NINETEENTH DEFENSE**

20 **AS A SEPARATE DEFENSE**, Defendants allege that Defendants were induced by
21 deceit by Plaintiffs and/or Plaintiffs' agents to enter into any agreement, if any agreement exists,
22 based upon material misrepresentations to provide housing to plaintiff made by Plaintiffs and/or
23 Plaintiffs' agents and that defendants reasonably relied upon the material false representations to
24 their injury. As a result thereof, no agreement, no contract, no understanding, nor obligation
25 exists between Plaintiffs and Defendants, or that any such contract, if found to exist, is void or
26 voidable so that Plaintiffs should be denied any recovery in this action.
27

28 **TWENTIETH DEFENSE**

1 **AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these
2 answering Defendants contend that the sole and/or partial proximate cause of any claims and/or
3 damages alleged was due to the Plaintiffs and other persons, firms or entities not specifically
4 named in the Complaint.

5 **TWENTY FIRST DEFENSE**

6 **AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these
7 answering Defendants allege that the Plaintiffs failed to fulfill express conditions precedent to
8 the action sought or attempted herein, and it failed to fulfill notice requirements to these
9 Defendants as a matter of law, and, therefore, Plaintiffs are barred as a matter of law from
10 proceeding against Defendants.

11 **TWENTY SECOND DEFENSE**

12 **AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these
13 answering Defendants allege that they substantially have complied with all terms and conditions
14 of any agreement, and, therefore, Plaintiffs' attempt to enforce any agreement is improper and
15 ineffective.

16 **TWENTY THIRD DEFENSE**

17 **AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these
18 answering Defendants allege that Plaintiffs have through their own actions and/or omissions
19 prevented Defendants from performing and, accordingly, have released Defendants from any
20 duty or liability of performance and any and all damages suffered by Plaintiffs as a result thereof.

21 **TWENTY FOURTH DEFENSE**

22 **AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these
23 answering Defendants allege that any alleged breach of any agreement is insubstantial and minor
24 in nature and will not support the claims as alleged by the Plaintiffs in their Complaint.
25

26 **TWENTY FIFTH DEFENSE**
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1 **AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these
 2 answering Defendants allege that there was a failure of consideration.

3 **TWENTY SIXTH DEFENSE**

4 **AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these
 5 answering Defendants allege that through mistake and misunderstanding of the parties to the
 6 agreement, if any that Plaintiff understood that there was a unilateral mistake of the defendants
 7 that Plaintiffs' knew they would not provide housing to Plaintiffs and Plaintiffs knew of the
 8 unilateral mistake of the Defendants and therefore unilateral mistake existed and any agreement,
 9 if any, is void or voidable.

10 **TWENTY SEVENTH DEFENSE**

11 **AS A SEPARATE DEFENSE**, to the Complaint, Defendants allege that they never
 12 intended to violate any of the applicable housing laws as alleged in the Complaint and never did
 13 violate any of the housing laws as alleged in the Complaint, or any other applicable housing
 14 laws.

15 **PRAYER**

16 WHEREFORE, Defendants pray for judgment against Plaintiff, with election of such
 17 remedies being in the alternative and for election at the time of trial, as follows:

- 18 1. That the relief prayed for in the Complaint on file herein be denied;
- 19 2. That the Plaintiff take nothing by way of the Complaint on file herein;
- 20 3. That any agreement alleged in the Complaint be declared void;
- 21 4. That any agreement alleged in the Complaint be declared voidable and rescinded;
- 22 5. That the Complaint be dismissed with prejudice;
- 23 6. That the Court award Defendants costs of suit incurred herein;
- 24 7. That Defendants be awarded attorney's fees;
- 25 8. That the Court award Defendants such other and further legal and equitable relief
 26 as this Court may deem just and proper in this matter.
- 27
- 28

1 Dated: September 21, 2009

By: Joseph K. Bravo

Joseph K. Bravo

Attorney For Defendants

MILANO PIZZA, JOHN VOZAITIS and
DENISE VOZAITIS, TRUSTEES OF THE
JOHN AND DENISE VOZAITIS
REVOCABLE LIVING TRUST dated
DECEMBER 20, 2007; and DENNIS
VOZAITIS, an individual dba MILANO
PIZZA

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8 **JURY TRIAL DEMANDED**